

## **2.1.0 W-2 APPLICATION**

A custodial parent, who meets nonfinancial and financial eligibility requirements, may receive case management services provided by a FEP and may be placed in an employment position if unsubsidized employment cannot be obtained or if barriers exist which prevent the individual from succeeding in unsubsidized employment. A custodial parent may also be eligible for a Job Access Loan. Applicants must apply in the county or region in which they reside.

All applicants requesting W-2 services, including employment positions, Job Access Loans, child care or case management only, must complete and sign a W-2 application (CARES generated or, if not available, paper backup). In addition, all adults in the W-2 group must sign the W-2 application. The W-2 application gathers information on the group's financial and nonfinancial eligibility. By signing the W-2 application, the individual attests that all information provided in the application is correct and complete. By signing the application, the individual also attests to understanding and agreeing to some basic precepts of W-2 participation such as the Fact Finding process (see Chapter 19), fraud rules (see 4.2.0) and cooperation with child support (see 16.3.0).

During the interview, the Good Cause Notice for child support must be presented and explained. If the applicant wishes to file a Good Cause Claim for child support, the claim may be recorded at any time during application or participation in W-2.

An application may be accepted from an authorized representative (see IM Manual Chapter I, Part A, 18.3.0) or a home visit may be conducted as a reasonable accommodation for someone in order to secure their signature (see IM Manual Chapter I, Part A, 27.0.0).

### **2.1.1 Participation Agreement**

During the initial assessment, the FEP must thoroughly review the W-2 Participation Agreement (PA) with new applicants. The PA outlines the basic rights and responsibilities associated with participation in a W-2 employment position. After the agreement has been thoroughly discussed, the worker, applicant, and all adults in the W-2 group must sign the W-2 Participation Agreement.

The PA is important throughout the individual's participation in W-2 because it outlines the requirements of W-2 participation. W-2 agencies may review the PA at Employability Plan updates, W-2 reviews, and as necessary. W-2 agencies may refer back to the PA if the participant claims not to have known or understood a specific W-2 provision that was explained in the PA. The agency must give the participant a signed copy of the PA and retain the original in the agency file. (See Appendix III, DES-10755).

## **2.2.0 NONFINANCIAL ELIGIBILITY CRITERIA**

In order to be nonfinancially eligible for W-2 employment positions, and Job Access Loans for any month, (child care has separate nonfinancial eligibility criteria--see 15.2.0), an applicant/ participant must:

1. Be a custodial parent;
2. Be 18 years of age or older;
3. Be a U.S. citizen or qualified alien (see 2.2.1);
4. Be a resident of Wisconsin and unless the applicant is a migrant worker, demonstrate an intent to continue living in the state. To be eligible, the applicant is not required to have resided in Wisconsin for any specified length of time. (See the Income Maintenance Manual, Chapter 1, Part C for methods of residency verification);
5. Cooperate, unless good cause or other exceptions exists, with efforts to establish paternity of the dependent child(ren) and secure and enforce child support orders. (This cooperation requirement extends to any W-2 group member who is a custodial parent of a child whose paternity has not been established or who has a noncustodial parent.);
6. Assign the rights to any support or maintenance (child or family support) to the state. (In many cases, the full amount of child support will still be passed through to the family. See 16.1.1);
7. Provide all requested documentation within seven working days after receiving the request for information from the W-2 agency;
8. Have made a good faith effort, as determined by the W-2 agency on a case-by-case basis, to obtain employment and have not refused any bona fide offer of employment within 180 calendar days immediately preceding application;
9. Have cooperated with the W-2 agency's assistance with finding employment if the current application is within 180 calendar days of a previous application for W-2 services by the individual;
10. Not receive Supplemental Security Income (SSI) or state supplemental payments;
11. Not receive Social Security Disability Income (SSDI);
12. Not participate in a strike on the last day of the month; (if eligibility is determined prior to the last day of the month and the applicant is on strike, they are ineligible; if a participant in a W-2 employment position goes on strike, they become ineligible for W-2);

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13. Apply for or provide a social security number (SSN) for all W-2 group members;
14. Report changes in circumstances that may affect eligibility within 10 calendar days after the change, except for temporary absence of a child which must be reported within five working days;
15. Have no other W-2 group member participating in a W-2 employment position (this does not apply to an individual applying for a Job Access Loan (JAL) only);
16. Cooperate in providing information needed to verify enrollment information or good cause for the Learnfare program;
17. Cooperate in the requirement to search for unsubsidized employment throughout his or her participation in a W-2 employment position (this does not apply to Americorps\*VISTA Volunteers (see 5.3.0));
18. Cooperate in applying for other public assistance programs or resources that the FEP believes may be available to the individual;
19. Cooperate with providing eligibility information for other members of the W-2 group;
20. Cooperate with providing information for quality assurance reviews; and
21. Beginning on the date the individual has attained the age of 18, the total number of months in which the individual has actively participated does not exceed the 60-month lifetime limit (See 2.3.1).
22. Not be a fugitive felon.
23. Not be violating a condition of probation or parole imposed under federal or state law.
24. State in writing whether he or she has been convicted in any state or federal court of a felony that has an element of possession, use or distribution of a controlled substance.

**2.2.1**

**U.S. Citizenship/Qualified Aliens**

U.S. citizenship or qualified alien status must be verified as a requirement of W-2 nonfinancial eligibility. Appropriate verification for U.S. citizenship may include a birth certificate, naturalization certificate, or tribal records. See IM Manual, Chapter I, Part C for more information on acceptable verification for citizens.

After a period of time, most qualified aliens may acquire citizenship. Therefore, the FEP should review alien status at each eligibility review.

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Some foreign-born children, including adopted children, residing permanently in the United States acquire citizenship automatically if at least one custodial parent is a citizen. To be eligible, a child must meet the following requirements:

1. Have at least one U.S. citizen parent (by birth or naturalization);
2. Be under 18 years of age;
3. Be currently residing permanently in the U.S. in the legal and physical custody of the U.S. citizen parent;
4. Be a lawful permanent resident; and
5. If the child is the adoptive child of the U.S. citizen parent, the child must also meet the requirements applicable to adopted children under the Immigration & Nationality Act, Section 101(b)(1).

Children who were under the age of 18 on or after February 27, 2001 and who meet all of the above requirements acquire citizenship automatically effective February 27, 2001. This policy is not retroactive to aliens who were 18 years or older on February 27, 2001. If they choose to become U.S. citizens, they must apply for naturalization.

Proof of citizenship verification is not automatically issued to children who acquire derivative citizenship. A parent may apply for an INS certificate of citizenship for the child or a passport for their child. If the participant does not present one of these documents for a child, the FEP can make a determination of derivative citizenship based on evidence of one parent's U.S. citizenship (including naturalized citizenship). However, FEPs should encourage parents to obtain official documentation to avoid future citizen verification problems for the child.

Once the child's citizenship has been verified, the FEP must update CARES screen ANAR. See CARES Guide for more information on updating ANAR.

2.2.1.1

*Qualified Aliens*

The following qualified aliens may be eligible for W-2:

1. An alien lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act;
2. An alien who is granted asylum under section 208 of such Act;
3. A refugee who is admitted to the United States under section 207 of such Act;
4. An alien who has been certified as a victim of trafficking;
5. An alien who is paroled into the United States under section 212(d)(5) of such Act for a period of at least one year;
6. An alien whose deportation is being withheld under section 243(h) or 241(b)(3) of such Act;
7. Cuban and Haitian aliens, as defined in section 501(e) of the Refugee Education Assistance Act of 1980;
8. An American Indian born in Canada who is at least 50% American Indian by blood, or an American Indian born outside of the United States who is a member of a federally recognized Indian tribe;
9. A battered alien and aliens whose child or children have been battered; or

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10. An alien who is granted conditional entry pursuant to section 203(a)(7) of such Act as in effect prior to April 1, 1980; or
11. Amerasian Immigrants, as defined in section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988.
12. An alien who is lawfully residing and is one of the following:
  - a. An armed forces veteran who received an honorable discharge that was not on account of alienage and who completed either 24 months of continuous active duty or the full period for which the individual was called, unless the individual received a hardship discharge under 10 USC 1173, early discharge under 10 USC 1171, or a discharge due to a disability incurred or aggravated in the line of duty.
  - b. On active duty in the armed forces of the United States, other than active duty for training
  - c. The spouse of an individual described in subdivision a. or b., or the unremarried surviving spouse of an individual described in subdivision a. or b. if the marriage was for one year or more or the individual had a child in common.

2.2.1.1.1

*Verifying Immigration Status*

The documents found in Appendix 8, when combined with proof of identity, will verify that an individual is a qualified alien. If the applicant presents a document that does not appear to be genuine or relate to the person presenting it, presents expired documents or is unable to present any documentation regarding immigration status, presume the person is in the status claimed until he or she has been provided an opportunity to present the documentation. The FEP should refer the individual to the local INS office to obtain documentation of status. In cases involving participants who are hospitalized or medically disabled, or who can otherwise show good cause for their inability to present documentation and for whom securing such documentation would constitute an undue hardship, the FEP must make every effort to assist the individual in obtaining the required documentation.

Once an applicant has provided documentation identifying his or her status as a qualified alien, he or she is presumptively eligible until the FEP verifies, using the Systematic Alien Verification for Entitlement (SAVE) system, his or her alien status. SAVE procedures for determining the status of an alien applicant are contained in the SAVE User Manual (M-300, Rev 9/00). The number for contacting SAVE is 1-800-365-7620.

The FEP should not delay, deny, reduce or terminate the applicant's eligibility for W-2 benefits on the basis of an individual's immigration status while verifying immigration status. See 4.1.0 for more information on obtaining verification for W-2 purposes.

### **2.2.2 Cooperation with Child Support**

The determination of whether an applicant is cooperating with child support enforcement efforts is made by the child support agency. A W-2 participant is considered to be cooperative if there is an open IV-D case for the child in question and no indicator of noncooperation is noted in the Kids Information Data System (KIDS) participant screens. If the applicant or any member of the group, who is a custodial or noncustodial parent of a child, is in a noncooperative status in their child support case, and noncooperation began after September 1, 1997, that group is not eligible for W-2 employment position, Job Access Loans, or child care assistance.

If the applicant or other member of the W-2 group is not cooperating, they have seven working days in which to rectify the situation. An applicant or participant may claim good cause for refusal to cooperate at any time during the application process or once found eligible for W-2 services. It is the W-2 agency's responsibility to make a determination of good cause in each case. Good cause for refusing to cooperate with child support is outlined in 16.3.0.

### **2.2.3 Job Refusal/Noncooperation with Employment Assistance 180 Days Prior to Application**

W-2 agencies, on a case-by-case basis, may deny a W-2 employment position to an applicant who has not made a good faith effort, within 180 calendar days immediately preceding application, to obtain employment or has refused any bona fide offer of employment, including a job quit, as determined by the W-2 agency. This eligibility criteria applies only to applicants. Participants who refuse any bona fide offer of employment, including a job quit, may be given a strike. (See 11.2.0) The W-2 agency has the discretion to define when a bona fide offer of employment has been made and what demonstrates a good faith effort.

An applicant who has applied for W-2 within the 180 calendar days immediately preceding the current application must have cooperated with the efforts of a W-2 agency to assist the applicant in obtaining employment. An applicant, who did not cooperate with the W-2 agency if the previous application was within 180 calendar days of the current application, may be denied placement in a W-2 employment position. This eligibility requirement is meant to deter applicants from cycling on and off assistance after refusing to comply with program requirements. It only applies to noncooperation with the efforts of the W-2 agency to assist the individual in obtaining employment and does not pertain to every aspect of the application such as providing income verification. Sanctions or noncooperation under other programs, such as Food Stamp Employment and Training (FSET) do not apply.

If the FEP denies assistance due to a job quit or noncooperation with past employment search, reasons for the denial must be documented. Applicants denied assistance due to either of these eligibility requirements may be referred back through the Job Center to utilize other employment services.

#### **2.2.4 Accessing Other Public Assistance Programs or Resources**

A W-2 applicant or participant may be required, as determined by the FEP, to apply for and accept other public assistance programs or resources that may be available, prior to being determined eligible for W-2 services or during W-2 participation. Other sources of public assistance or resources may include, but are not limited to:

- Unemployment insurance;
- Worker's compensation;
- Child support;
- Supplemental Security Income (SSI);
- Social Security (including Social Security Disability Insurance (SSDI));
- Veterans benefits;
- Job Training Partnership Act (JTPA) program; and
- vocational rehabilitation services.

Cooperation in applying for these other public assistance programs or resources must be included as assigned activities on the individual's employability plan. Applicants or participants who refuse to apply for and accept other public assistance programs or resources that may be available are not eligible or may lose eligibility for a W-2 employment position or a Job Access Loan.

In addition, the W-2 agency may encourage the applicant or participant to access, on a voluntary basis, other services which may help the applicant find employment. These activities do not have to be included on the EP as assigned activities.

#### **2.2.5 Two-Parent Households**

Wisconsin Works is based on the philosophy that both parents are responsible to care for and support their children. Each parent in a two-parent family has a role and responsibility to fill toward their children. The goal of the two-parent policy is to assist families to effectively use the resources of both parents to achieve self sufficiency. The FEP must carefully assess the abilities of each parent, the family circumstances, such as the need for child care and other supportive services, and the activities needed to prepare each parent for unsubsidized employment. Therefore, the FEP should take a family case management approach. Meetings with both parents in a two-parent household may be necessary to assess total family strengths and barriers. This assessment will determine which parent, if any, is placed in an employment position and the appropriate activities for each parent. The activities identified for each parent must be designed with the goal of achieving family sufficiency.

For eligibility determination purposes, refer to the IM Manual, Chapter 1, Part A, 5.0.0 when divorced parents have joint custody of the child(ren).

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**2.2.5.1** *Two-Parent Participation Requirements*

Both parents in a two-parent family in which neither parent is disabled or caring for a severely disabled child may be required to participate in W-2 activities. The first parent, the parent placed in a W-2 employment position, must participate in up to 40 hours of W-2 activities, of which no fewer than 30 (or 28 if placed in W-2 T) must be in work training activities. If the family is receiving federally-funded child care, the second parent must also participate in allowable W-2 activities for a minimum of the difference between the number of hours the parent in the employment position participates in assigned activities and 55 hours per week.

Mr. and Mrs. Jones and their two children are receiving W-2 services. The Jones' are receiving federally funded child care. Mrs. Jones is assigned a Community Service Job placement. She is required to participate in Work Experience for 30 hours per week and GED classes 10 hours per week (40 total hours of assigned activities). Mr. Jones must be assigned at least 15 hours of allowable activities training ( $55 - 40 = 15$ ).

If the two-parent family is not receiving federally-funded child care the second parent should be provided the opportunity to participate in W-2 activities. The FEP should identify activities for both parents, taking into consideration the schedules of the parents and children in order to accommodate the family's request not to receive child care.

**Example:** Mr. and Mrs. Smith are receiving W-2 services. The Smith's are not receiving federally-funded child care. Mr. Smith is in a CSJ and is participating in work training experience from 8:00 a.m. until 3:30 p.m., Monday through Friday. The family has two children who are in school from 8:30 a.m. until 3:00 p.m. Monday through Friday. The FEP may offer Mrs. Smith work experience training, English-as-a-Second Language or skills training from 9:00 a.m. until 2:30 p.m., Monday through Friday.

**2.2.5.2** *Allowable Activities and Second Parent Participation*

A second parent in a family receiving federally funded child care must be assigned to participate in the following activities:

1. Unsubsidized employment
  - Working Full Time
  - Working Part Time
2. Subsidized employment
  - On-the-Job-Training (Non-W-2 funded)
3. Work Training Experience
  - Work Experience

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The minimum number of hours the second parent must participate in the above activities is equal to the difference between 55 hours and the number of hours the parent who is placed in an employment position participates in assigned activities. See example at 2.2.5.1.

Additional activities above the minimum required may be assigned based on a determination by the FEP that additional activities will best prepare the second parent for unsubsidized employment.

The second parent in a two-parent family not receiving federally funded child care may be provided the opportunity to participate in the allowable activities above, however, the FEP has more flexibility in identifying activities for the second parent.

Consistent with basic W-2 philosophy, all participants who are not ready for unsubsidized employment should have work experience training assigned as their primary activity.

When the second parent in a two-parent family is participating in activities, an employability plan (EP) must be created for the second parent. The EP must take into account the situation of the entire family and include goals and activities that will lead the family to self-sufficiency.

2.2.5.3 *Payment Reductions*

There is no additional payment generated when the second parent participates in activities. There is no hourly payment reduction when the second parent misses activities.

2.2.5.4 *Refusal to Participate*

A participant in a W-2 employment position may accumulate a strike when they refuse to participate in assigned activities. The second parent who is assigned participation activities because they are receiving federally funded child care may also accumulate a strike if they refuse to participate in assigned activities. (See 11.2.0 for a full description of refusal to participate).

Strikes earned by each parent in a two-parent family are not cumulative; therefore strikes earned by each parent must be tracked independently of each other. Both the parent in a W-2 employment position and the second parent who is assigned participation activities may each accumulate 3 strikes. Once either parent accumulates 3 strikes for nonparticipation, the parent in a W-2 employment position is ineligible to participate in that employment position for life.

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**Example:** Mrs. Anderson is assigned a CSJ placement and the family is receiving federally funded child care. Mr. Anderson is required to participate in work experience training. Mrs. Anderson has accumulated 1 strike and Mr. Anderson has accumulated 2 strikes due to their repeated lack of participation. Mrs. Anderson is still eligible to participate in her CSJ placement. If Mrs. Anderson gets 2 additional strikes **or** Mr. Anderson gets 1 additional strike, then Mrs. Anderson will be ineligible to participate in a CSJ placement.

**2.2.5.5** *Two-Parent Participation and W-2 Time Limits*

See 2.3.1.1 for a full description of the policies relating to W-2 time limits and clocks affecting two-parent cases.

**2.3.0 TIME-LIMITED W-2 PAYMENT POLICY**

Both the federal legislation that created the Temporary Assistance for Needy Families (TANF) block grant program, and Wisconsin Works (W-2) legislation (1995 Wisconsin Act 289) include a 60-month lifetime limit for eligibility. Time limits support the change in the overall message and mission of the welfare system from government support to self-support. Time limits stress mutual responsibility: government provides support and services designed to promote employment while participants are expected to prepare for and enter employment in return. The goal is to raise participants' earnings and employment rates and reduce reliance on government programs.

On October 1, 1996, prior to full W-2 implementation, Wisconsin implemented the 60-month lifetime limit for AFDC participants active in the Job Opportunities and Basic Skills (JOBS) program. Individuals who transitioned from AFDC to W-2 (March 1, 1997, in the W-2 pilot counties, and statewide beginning September 1997) may have already used months toward their 60-month lifetime limit.

**2.3.1 60-Month Lifetime W-2 Payment Limit**

AFDC recipients who were active participants in the JOBS program, starting October 1, 1996, and/or participants in W-2 employment positions (Trial Jobs, Community Service Jobs and W-2 Transition) under W-2, have a lifetime participation limit of 60 months (whether consecutive or not) in the AFDC program and/or W-2 employment positions. If the participant participates in JOBS or a W-2 employment position at any time during a month, that month counts towards the 60-month time limit. Even if the individual is subject to a payment reduction or strike, the 60-month clock will tick. Time limits apply to participants 18 or older (except 18 year olds who are dependent children and not a custodial parent participating in an employment position).

2.3.1.1 *Months Counted Toward the 60-Month Limit*

The 60-month time limit is a cumulative total of the number of months a participant (18 or older) is:

- 1. A JOBS “active” participant under AFDC from October 1, 1996, to W-2 implementation who meets all of the following criteria:**
  - has been included in the Standard Filing Unit (SFU) in an open AFDC Assistance Group (includes sanctioned adults);
  - has been age 18 or older;
  - has been coded with a JOBS registration code of Mandatory (M), Voluntary (V), or Parental and Family Responsibility (PFR) Demonstration with a code of (P) or (R); and
  - has been enrolled in JOBS under Experimental, or Non-Experimental Pay for Performance (PFP); Work Not Welfare (WNW); Experimental or Control PFR.
- 2. A W-2 participant placed in a subsidized W-2 employment position (Trial Job, Community Service Job or W-2 Transition).**
- 3. A participant in any TANF funded program in this state or any other state and who has received TANF benefits while in that program (see 2.3.6).**

Dependent 18 year olds are considered to be children in the W-2 group and are not subject to time limits. If the dependent 18 year old has a dependent child and applies for services independent of his or her parents, she or he then would be eligible for W-2 and subject to the 60-month time limit.

The time limit applies to the W-2 group. In W-2 groups with more than one adult member, the adult member with the greatest number of months accumulated counts toward the W-2 group's 60-month lifetime limit. When an adult joins a W-2 group in which another adult member has months accumulated toward the 60-month limit, the adult member with the greatest number of months compiled towards the 60-month lifetime limit counts as the W-2 group's limit. If an individual leaves the W-2 group, he/she takes with them the number of months accumulated prior to entering the group as well as the number of months accumulated while a part of the group.

**Example 1:** Mary is in a W-2 group consisting of herself and her 4 year old daughter . She has accumulated 30 months towards her 60-month lifetime limit. Because she is the only adult in the W-2 group, the W-2 group is credited with 30 months toward the 60-month lifetime limit. John, Mary's estranged husband, joins the W-2 group. John has accumulated 35 months toward his 60-month lifetime limit prior to moving back in with Mary. Because John has the greater number of months accumulated towards the lifetime limit, the W-2 group is now credited with 35 month towards the lifetime limit.

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**Example 2:** After ten months, John and Mary divorce. At the time John left the W-2 group, he and Mary had accumulated 45 months (35 + 10) towards the 60-month lifetime limit. John moves out of the home and the W-2 group once again consists of Mary and her daughter. Because Mary had 30 months accumulated toward the 60-month lifetime limit when John moved in and she accumulated ten more months during the time she and John lived together, the W-2 group is credited with 40 months towards the lifetime limit.

2.3.1.2

*Exceptions from Time Limits*

There are two exceptions to counting months towards the time limits. The exceptions are:

1. When a W-2 participant is the custodial parent of a child 12 weeks old or less and receives payments as a custodial parent of an infant, the W-2 group is exempt from the 60-month time limit and the 24-month time limit for participation in any one of the employment positions if the child is born less than 10 months after the date the individual was first determined to be eligible for AFDC or a W-2 subsidized employment position (TJ, CSJ, W-2 T). (See 7.5.0)

If a child is born more than 10 months after the date the individual is first determined eligible for AFDC or for a W-2 subsidized employment position (first determined eligible as long as eligibility was determined on or after October 1, 1996), the 60-month and 24-month clocks will tick unless the birth was the result of sexual assault or incest and the incest or sexual assault has been reported to a physician and law enforcement authorities. In this situation, the custodial parent is exempt from the time limit until the child is 12 weeks old. If eligibility for AFDC or a W-2 subsidized employment position were determined prior to October 1, 1996, a participant's clocks would not tick.

**Example 1:** A woman who has never received AFDC or W-2 has a child, applies for W-2 and is found eligible for CMC. Neither of the clocks would tick because she had never been determined eligible for AFDC or a W-2 subsidized employment position (TJ, CSJ, W-2 T).

**Example 2:** A former AFDC recipient who has never participated in W-2 has a child, applies for W-2 and is found eligible for CMC. She was first determined eligible for AFDC in July 1997. Therefore, both the 60-month and appropriate 24-month clock would tick because she was determined eligible for AFDC after 10/1/96.

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Determining which 24-month clock should tick for a CMC participant is based upon the W-2 employment position the participant was in immediately preceding placement in the CMC placement. If a CMC participant was in a W-2 subsidized employment position immediately preceding (one day or less) placement in CMC, the 24-month clock of the subsidized employment position the participant was in would continue to tick. If the person was not in a W-2 subsidized employment position immediately preceding placement in CMC (two days or more), a 24-month subsidized employment position clock would not tick, but the 60-month clock would continue to tick.

**Example 1:** A former AFDC recipient who has never participated in W-2 has a child, applies for and is found eligible for the CMC payment. Because the woman was not in a W-2 subsidized employment position immediately preceding placement in CMC, no 24-month clock is applicable and, therefore, only the 60-month clock will tick.

**Example 2:** A woman in a CSJ placement continuously since September 1, 1997 has a baby and is placed in the CMC payment placement. Because the woman was in a W-2 subsidized employment position immediately preceding placement in CMC, a 24-month clock is applicable and, therefore, both the CSJ 24-month clock and the lifetime 60-month clock will tick.

2. Any adult in the W-2 group who received AFDC as an active JOBS participant, participated in a W-2 employment position or received benefits under the TANF program in this state or another state while living in a federally recognized American Indian reservation, an Alaskan Native village, or an Indian country occupied by an Indian tribe is exempt from the 60-month time limit for that month, if during that month the following applied:
  - a. At least 1,000 individuals were living on the reservation or in the village or Indian country; and
  - b. At least 50 percent of the adults were unemployed.

**2.3.2****24-Month Time Limit for Subsidized Employment Positions**

Participation in any W-2 subsidized employment position (Trial Job, CSJ and W-2 T) is limited to 24 cumulative months. If the participant participates in a W-2 employment position at any time during a calendar month, that month counts towards the 24-month time limit. Even if the individual is subject to a payment reduction or strike, the 24-month clock will tick. When a participant moves between employment positions during a calendar month, the 24-month clock will tick for the last employment position of the month. If the new W-2 placement is not in a W-2 subsidized employment position, the clock will still tick if the individual participated at any time during the month in a W-2 subsidized employment position subject to the 24 month clock.

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**Example 1:** John is placed in a Community Service Job on January 1. On January 28, John's FEP places John in a Trial Job. John's Trial Job 24-month clock will tick for that month. Even though John was placed in both a CSJ and Trial Job in the month of January, only John's Trial Job 24-month clock will tick because that was John's last placement of the month.

**Example 2:** John is placed in a Community Service Job on January 1. On January 28, John finds an unsubsidized employment position and John's FEP places him in CMF on January 31. Because John was placed in CSJ in that month and because a 24-month clock does not tick for CMF, John's CSJ 24-month clock will tick because, in that month, that was John's last W-2 placement subject to a 24-month clock.

### 2.3.3 Notification of Time Limits

W-2 applicants and participants must be made aware that W-2 employment position payments are time-limited. At a minimum, the FEP must go over the participant's time limit status at every review and at each new placement. Time limits provide a sense of urgency for both participants and case managers and encourage constant progress to enable participants to move to self-sufficiency before the 60-month time limit for eligibility ends.

### 2.3.4 Adjustments to Time-Limit Clocks

If a W-2 payment is voluntarily refunded, the FEP must adjust the time-limit clock by subtracting a month:

1. A participant voluntarily returns a CSJ or W-2 T payment within 15 days of the payment issuance date. The refund can be made in cash, by personal check, money order, or by returning the issued payment. No clock adjustment will be made if the voluntarily refunded payment is from a W-2 employment position participant who is sanctioned.
2. A participant repays payments for a month due to an overpayment caused by agency error or inadvertent participant error. When the entire overpayment is repaid, those months of eligibility to both the 24- and 60-month clocks must be restored. In case of IPV or fraud, used months of eligibility even if payments are fully repaid must not be restored. (See 10.3.0)
3. A Trial Job employer does not request a Trial Job subsidy for a month of employment.

**2.3.5 24-Month and 60-Month Time Limit Extensions**

There are opportunities for extensions of the 24-month and 60-month time limits. W-2 agencies may extend eligibility only when a W-2 participant qualifies for an extension by meeting the appropriate criteria. The W-2 agencies must work intensively with participants prior to and during extension periods to help the participant overcome barriers or challenges.

**2.3.5.1 24-Month and 60-Month Extension Criteria**

In determining whether to recommend extended eligibility, the W-2 agency must apply the following criteria on a case-by-case basis:

- a. A Trial Job participant may be granted an extension to the 24-month limit or 60-month limit if the participant has made all appropriate efforts to find unsubsidized employment and has been unable to do so because the local labor market conditions preclude a reasonable unsubsidized employment opportunity for that participant [see (i) and (ii) below].
- b. A CSJ participant may be granted an extension to the 24-month limit or 60-month limit if the W-2 participant has made all appropriate efforts to find and accept unsubsidized employment and has been unable to do so because the local labor market conditions preclude a reasonable unsubsidized employment opportunity for that participant and, for the same reason, there are no Trial Jobs available [see (i) and (ii) below].
- c. A W-2 T participant may be granted an extension to the 24-month time limit or 60-month limit if the participant has made all appropriate efforts to find unsubsidized employment by participating in assigned activities and significant barriers prevent advancement to a higher W-2 employment position as determined by the W-2 agency [see (ii) below].

Consider the following when using the above criteria to determine eligibility for an extension:

- i. When determining eligibility for an extension for a Trial Job or CSJ participant, "reasonable unsubsidized employment opportunity" means a job that pays minimum wage, and conforms to all applicable federal and state laws.
- ii. When determining eligibility for an extension for a Trial Job, CSJ or W-2 T participant, in addition to the appropriate criteria above, the W-2 agency shall determine whether the W-2 participant has significant barriers preventing him or her from advancing to a higher W-2 employment position or to a reasonable unsubsidized employment opportunity in the local labor market based on any of the following:
  1. A W-2 participant is unable to work because of personal disability or incapacitation, or is needed as determined by the agency to remain at home to

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care for a member of the W-2 group whose incapacity is so severe that without in-home care provided by the W-2 participant, the incapacitated W-2 group member's health and well-being would be significantly affected. *In making this determination, the W-2 agency must have written documentation from an appropriate medical professional, the Division of Vocational Rehabilitation (DVR) or similar assessing agency or business. The definition of "W-2 group" can be found in Appendix 1, Glossary.*

2. A W-2 participant has significant limitations to employment such as any of the following:
  - a. Low achievement ability, learning disability, or emotional problems of such severity that they prevent the individual from obtaining or retaining unsubsidized employment, but are not sufficient to meet SSDI or SSI requirements. *In making this determination, the W-2 agency must have written documentation from an appropriate medical professional, DVR or assessing agency or business.*
  - or
  - b. Family problems of such severity that they prevent the W-2 participant from obtaining or retaining unsubsidized employment. *In making this determination, the W-2 agency may consider "family problems" experienced by any member of the W-2 group including, but not limited to, legal problems, family crises, homelessness, domestic abuse, or children's school or medical activities that affect one of the members of the W-2 group.*

2.3.5.1.1 *Custodial Parent Of An Infant (CMC) and 24-Month & 60-Month Extensions*

W-2 agencies may grant time limit extensions to Custodial Parent of an Infant (CMC) eligible individuals when:

1. CMC eligible individuals return to W-2 but do not want cash assistance beyond when their child turns 12 weeks of age.
2. CMC eligible individuals return to W-2 but will not be eligible for W-2 beyond when their child turn 12 weeks of age.

In these situations, the FEP does not have to determine if the individual qualifies for an extension based on the extension criteria and may enter an extension covering the time until the child turns 12 weeks of age without Department approval. For more information on entering an extension in CARES, see the CARES Guide, Section 2, Appendix 03. For more information on determining when the child turns 12 weeks of age, see 7.5.5

If the person wants cash assistance and the agency determines that the individual will likely qualify for cash assistance after the child turns 12 weeks of age, the agency would have to follow existing extension request procedures outlined in 2.3.5.2.

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**Example 1:** Carrie has been in a W-2 Transition (W-2 T) placement for 18 months. Recently, her physician has lifted the majority of work restrictions that have kept her in W-2 T and the FEP moved her to a Community Service Job (CSJ). However, 2 months into her CSJ, Carrie informs the FEP that she is 5 months pregnant and she has verification from the doctor that it is a high risk pregnancy. Carrie's child is due when she will be in her 24<sup>th</sup> month. The FEP places Carrie back in W-2 T. Because Carrie will be in CMC when her time limit expires, the FEP evaluates Carrie for an extension based on the W-2 T extension criteria. Using the W-2 T extension criteria, the FEP determines that Carrie has cooperated with all assigned activities and that she has a medical condition that is preventing her from advancing to a higher W-2 employment position. The FEP requests a three-month extension. Once the 3-month extension expires, the FEP will move Carrie into a CSJ placement.

**Example 2:** Bonnie's third child is due in her 23<sup>rd</sup> month of eligibility in a CSJ. Bonnie has not been cooperating in her CSJ assignments. Therefore, in the 21<sup>st</sup> month of eligibility in her CSJ, the FEP determines that Bonnie will not qualify for an extension. The FEP continues to work with Bonnie to try and engage her and also reminds her that she is using up valuable months of eligibility. Despite the FEP's attempts, Bonnie remains in W-2. When Bonnie has her child, she is moved to CMC. When Bonnie reaches her 24th month, Bonnie's child is 4 weeks of age. Because Bonnie is CMC eligible and will not qualify for benefits beyond when her child turns 12 weeks, the FEP enters a 2 month extension for Bonnie that will end when her child turns 12 weeks of age.

**Example 3:** Gina is in a CSJ placement and her second baby is due during her 59<sup>th</sup> month. In her 56<sup>th</sup> month, the FEP determines that Gina is not eligible for a 60 month extension because she has not participated with her job search requirements and only attends her CSJ site sporadically. When Gina reaches the end of her 60-month clock, her child is 8 weeks old. Because Gina is CMC eligible and will not qualify for benefits beyond when her child turns 12 weeks, the FEP enters a 1 month extension for Gina that will end when her child turns 12 weeks of age.

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2.3.5.2 *DWD 24-Month and 60-Month Extension Approval Process*2.3.5.2.1 *Timely Submission of Extension Requests*

A discussion between the FEP and the participant regarding an extension must take place no later than the 18<sup>th</sup> month of the 24-month time limit or the 54<sup>th</sup> month of the 60-month lifetime limit. If a person enters W-2 with more than 18 or 54 months, the discussion must take place at application. The FEP must evaluate whether the participant meets the extension criteria (2.3.5.1), complete the *W-2 Agency Time Limit Extension Record (DES-11661)* and enter the extension decision in CARES no later than the 20<sup>th</sup> month for 24-month extensions or the 56<sup>th</sup> month for 60-month extensions.

If the FEP determines that a participant qualifies for an extension, the W-2 agency must submit the *W-2 24-Month and 60-Month Time Limit Extension Request (DES-11282)* form. The form must be submitted to the DWS Contract Manager no later than three months prior to the last day of the participant's 24<sup>th</sup> or 60<sup>th</sup> month. All extension applications require a review by and a signature of the FEP supervisor and W-2 Agency Chief Executive Officer. A decision on the extension will be made by the Department within one month of receiving a completed extension request. An extension may be granted for up to six months from the last day of the participant's 24<sup>th</sup> month or for up to 12 months from the last day of the participant's 60<sup>th</sup> month.

**Example 1:** Mary will reach the end of her 24-month time limit in a W-2 T on May 31. Mary has significant barriers which will prevent her from advancing to a CSJ, Trial Job or Unsubsidized Employment by the end of her 24-month time limit. The W-2 agency must request an extension no later than February 28 (three months prior to the last day of the 24<sup>th</sup> month). The Department must respond to the W-2 agency's request by March 31 (one month from the date of the completed request). If the W-2 agency is granted an extension for Mary, the extension period must not extend beyond November 30 (six months from the last day of the 24<sup>th</sup> month).

Under some circumstances, a W-2 agency may need to submit an extension request with less than three months remaining in the participant's 24 or 60-month eligibility period or after the individual has already left W-2 due to time limits. See 2.3.5.4 for more information on submitting extensions under these circumstances.

For more information on entering an extension in CARES, see the CARES Guide, Section 2, Appendix 03.

2.3.5.2.2 *Extension Request Information*

There are two types of information requested by DWD:

1. Information necessary to determine if the agency had sufficient facts and reasonable basis to arrive at its extension approval decision; and
2. Information necessary to understand the agency's case management plan.

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In order to provide this information, the W-2 agency must submit the *W-2 24-Month and 60-Month Time Limit Extension Request form (DES-11282)* for initial extension requests and the *W-2 24-Month and 60-Month Time Limit Subsequent Extension Request form (DES-11283)* for subsequent extension requests.

DWD, through your local DWS regional office, may have a need for additional case information to supplement an extension request. Circumstances under which DWD may request additional information are:

1. An incomplete extension record was provided. An incomplete extension record would be a record that did not contain one of the items asked for on the *W-2 24-Month and 60-Month Time Limit Extension Request form (DES-11282)* for initial extension requests and the *W-2 24-Month and 60-Month Time Limit Subsequent Extension Request form (DES-11283)* for subsequent extension requests; or
2. Clarification is needed regarding how the W-2 agency reached its conclusion that a W-2 participant qualified for an extension based on the statutory criteria. Based on the information submitted in the extension, if it is not clear to DWD how the W-2 agency arrived at its approval decision or DWD does not immediately see how it could concur with the agency's decision, DWD may ask for additional clarifying information.

When DWD does not concur with a W-2 agency's extension approval, the W-2 agency may supplement the information and ask DWD to reconsider if the agency believes that DWD made a material error in its decision. If, again, DWD does not concur with the W-2 agency's decision, and in the future there is a substantial change in the case circumstances, the W-2 agency may then reapply for an extension (see 2.3.5.4).

### 2.3.5.3 *Subsequent Extension Requests*

If, after an extension approval is granted, the W-2 agency determines a subsequent extension period may be necessary, the agency must submit in writing a request for a review of the extension. The *W-2 24-Month and 60-Month Time Limit Subsequent Extension Request (DES-11283)* form must be submitted to the DWS Contract Manager and the agency's extension decision entered in CARES no later than one month prior to the last day of the 24-month extension period and three months prior to the last day of the 60-month extension period. The Department will respond to extension review requests within 15 days of receipt of the extension review. A reapproval of an extension request may be granted for up to six months from the last day of the participant's current 24-month extension and up to 12 months for 60-month extensions.

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**Example 1:** Mary will reach the end of her 24-month extension on August 31. Although Mary and the W-2 agency have made progress in addressing her barriers, Mary's FEP determines that Mary continues to meet the extension criteria. The W-2 agency must request a review of Mary's extension no later than July 31 (one month prior to the last day of the extension). The Department must respond to the W-2 agency's request by August 15 (15 days from review request). If the W-2 agency is granted an extension for Mary, the extension period must not extend beyond February 28.

**Example 2:** Joan will reach the end of her 60-month extension on March 31. Joan's daughter continues to need Joan's full-time care at home. Therefore, Joan's FEP determines that she continues to meet the extension criteria. The W-2 agency must request a review of Joan's extension no later than December 31 (three months prior to the last day of the extension). The Department must respond to the W-2 agency's request by January 15 (15 days from review request). If the W-2 agency's request for an extension for Joan is approved, the extension period must not extend beyond February 28<sup>th</sup> of the following year.

Subsequent extensions approved by the Department cannot be entered until the previous extension period has expired. For more information on entering a subsequent extension in CARES, see the CARES Guide, Section 2, Appendix 03.

## 2.3.5.4

*Reapplying For W-2 Services After Reaching The Time Limit*

Current policy requires an agency to submit extension materials to the DWS Regional Office 3 months prior to the end of a participant's 24<sup>th</sup> or 60<sup>th</sup> months (see 2.3.5.2). This is critical to allow an adequate timeframe for processing the requests.

There may be situations, however, in which agencies need to request extensions for individuals *less* than three months prior to them reaching the 24 or 60-month time limit, including a point in time *after* which they reached the time limit and left the W-2 program. These situations include, but are not limited to:

1. Individuals who previously did not qualify for an extension, but experience a change in their circumstances in the 22<sup>nd</sup>, 23<sup>rd</sup> or 24<sup>th</sup> months (or 58<sup>th</sup>, 59<sup>th</sup>, or 60<sup>th</sup> month for a 60-month extension).
2. Individuals who voluntarily declined an extension but then choose to change their decision.
3. Individuals who previously did not qualify for an extension and leave the W-2 program, but experience a change in their circumstances after they left and reapply for W-2.

These individuals can, at any time, be re-evaluated for a 24-month or 60-month extension. The FEP would evaluate whether the person meets the extension criteria based on previous participation with the W-2 program and the participant's current

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circumstances. In addition, these individuals, may, at any time, return to the W-2 agency to utilize Job Center resources as well as have eligibility determined for other programs such as, but not limited to, food stamps, Medicaid and Welfare-to-Work.

In these situations, the W-2 agency must contact the DWS Regional Office. More specifically, in a situation where the W-2 agency will not be able to submit extension materials to the DWS Regional Office by the end of the 23<sup>rd</sup> month, their DWS regional staff will work with them to expedite the extension review process. This expedited review will allow the extension review process to be completed prior to the person reaching the time limit. In situations where the change in circumstances occurs in the 24<sup>th</sup> month or after the person has already left W-2, an expedited review will allow the agency to immediately assign a W-2 eligible person to an employment position and activities while preparing and processing the extension materials.

In these instances, the DWS Regional Staff will work with the agency to define the timeframes in which the extension materials must be submitted to the regional office.

When an agency requests this expedited review, they must document in the extension materials the reason for not submitting the application three months in advance of the individual reaching the time limit.

Examples of changes in circumstances include, but are not limited to:

1. A participant has been offered a job, but then experiences a debilitating accident preventing him or her from starting employment.
2. A mother caring for an incapacitated child has secured appropriate daycare, but the daycare provider loses its certification.
3. A participant is moved to a higher W-2 employment position, but is then diagnosed with a serious illness or has a medical setback that would prevent him or her from participating.
4. A participant voluntarily declines an extension (despite the W-2 agency's efforts to communicate the potential need for an extension) and now the participant is requesting one.
5. Having left the W-2 program because the individual did not qualify for an extension, the individual reapplies because he or she is unable to find employment.
6. Having left the W-2 program because the individual did not qualify for an extension due to nonparticipation issues, the individual reapplies and agrees to cooperate with program requirements.

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**2.3.5.5**      *Case Transfers Near or During the Extension Process*

Communication and flexibility between W-2 agencies are key aspects to any case transfer under W-2. Therefore, the need to communicate and be flexible becomes even more important when a case approaching its time limit is transferred between agencies. Under AFDC, where time limits were not an issue, a new relationship was typically begun with the participant by the receiving agency and, for the most part, all the information the agency needed was in CARES. Now, in light of time limited benefits, a FEP's priority for cases received through a transfer must be to obtain information that is already available. This means accessing CARES, asking the participant for any documentation and contacting the transferring agency for additional case file information. By collecting information already available, it allows the receiving W-2 agency to provide seamless service to the participant rather than asking him or her to start over with assessments. Also, particularly for participants approaching their time limit, it saves valuable time on both the 24-month and 60-month clocks.

W-2 agencies should develop internal policies regarding how to contact other W-2 agencies for case information. When developing internal transfer policies or when transferring a case between W-2 agencies, the following guidelines should be considered. If there are local agency agreements currently in place that conflict with the guidelines established below, contact your supervisor or program manager for further direction.

1. Prospective case management is the responsibility of the receiving agency.
2. An original case hard file stays where it was created. This means that an agency would not have to transfer its case hard file. Rather, upon request by the receiving agency, the transferring agency would copy and send the requested, appropriate information.
3. In 18+ and 54+ month cases, the transferring and the receiving agencies must cooperate to accommodate the time and information requirements for extension reviews. On a case-by-case basis, the state will apply maximum flexibility to expedite the review process.
4. For those cases that transfer after an extension request has been sent to DWD for review, the transferring agency continues to be responsible for the case request which includes obtaining any additional information necessary for DWD to complete its review. Cooperation by the receiving agency would also be expected if appropriate.
5. An extension is granted to a participant, not an agency. Therefore, if a participant transfers to another W-2 agency, the extension transfers with him or her.

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6. For those cases that transfer during an extension period, the receiving agency may reassess the participant's situation and determine that a change in case plan is necessary or they may make a determination that makes the extension no longer necessary, e.g., movement to another W-2 placement. However, the agency cannot deny an extension that has already been granted.

If a W-2 agency has difficulty obtaining case information from another W-2 agency, the requesting agency should contact the local DWS Regional Office to help expedite the exchange of information.

### 2.3.6 TANF Received in Other States

Temporary Assistance for Needy Families (TANF) cash assistance is limited to up to 60 months in an individual's lifetime. This means that TANF assistance received by an adult in this state or any other state counts toward the 60-month time limit.

#### 2.3.6.1 *Reporting TANF Receipt To Other States*

If a former Wisconsin Works (W-2) participant moves to another state and applies for TANF assistance in the new state, the case worker from the other state may contact the W-2 agency to inquire as to the number of months TANF assistance was received while the individual was living in Wisconsin. In order to determine this, the FEP would query CARES screen AIWC and report the number of months indicated in the FED USED field.

#### 2.3.6.2 *Recording TANF Receipt From Another State*

When there is evidence that an applicant has received cash assistance in another state, the FEP must:

1. Determine the number of months TANF cash assistance was received in the other state by contacting the appropriate persons;
2. Take steps to ensure that the cash assistance received was, in fact, TANF cash assistance; and
3. Enter that information in CARES on screen AIWO.

There may be a number of resources FEPs can use to contact other states in order to determine how many months of TANF assistance was received in another state. For instance, the W-2 applicant may know the name and phone number of his or her case worker in the other state. If that is the case, the FEP can contact that individual directly. However, if the applicant does not have a contact in the other state, the FEP must use other means to obtain contact information. One way of doing this would be for the W-2 agency to order a copy of the *Public Human Services Directory*, which can be done through the American Public Human Services Association (APHSA) at the following address:

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American Public Human Services Association  
810 First Street, NE  
204-0071  
Suite 500  
[pubs@aphsa.org](mailto:pubs@aphsa.org)  
Washington, D.C. 20002-4267  
<http://www.aphsa.org>

Telephone: 202-682-0100  
Fax: 202-

E-mail:

Web Site:

This directory is an annual publication and costs \$100.00.

When contacting other states, the FEP must keep in mind that the other states may not have clearly identified what types of assistance received in their state meet the federal definition of TANF assistance in their respective computer systems, similar to what the Division of Workforce Solutions (DWS) has done in CARES. Therefore, the FEP should use the following guidelines:

1. Any assistance received in another state prior to September 1, 1996 must not count as TANF assistance received in another state.
2. It is likely that cash assistance received in any state after July 1, 1997 would count as TANF assistance; however, there may be exceptions, e.g., California's TANF effective date is January 1, 1998.
3. The FEP must find out the specific month(s) and year(s) TANF cash assistance was actually received in the other state. This information is necessary for CARES entry.
4. If the contact cannot confirm whether or not the cash assistance received in his or her state counts as TANF assistance, the FEP should attempt to verify what the contact has told him or her through other sources. If it cannot be confirmed that the assistance received in the other state is TANF, do not use the information.

As far as meeting W-2 verification requirements, once the FEP has determined that the information he or she has received is correct, the phone contact alone is considered sufficient verification. FEPs do not have to request this information in writing. See IMM, Chapter 1, Part C for more information on verification.

Once the number of months an individual received TANF assistance in the other state has been determined, the FEP must enter the information in CARES on the Clocks Override Screen AIWO.

2.3.6.3

*Re-Verifying Months Of TANF Received In Another State*

With the 60-month time limit fast approaching for many participants, it is critical that the reported TANF received in another state is correct. Therefore, the FEP should re-verify TANF assistance received in another state, particularly for those cases approaching 60-months. In order to identify these cases, W-2 agencies can use the Individual Clocks Report (C785) to identify participants with ticks on their OTF clock. Determine if any of these ticks are due to TANF cash assistance received in another state and contact that state once again to re-verify the number. Upon re-verification, if this original number of months reported is incorrect, enter the correct number of months.